

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND)	
COMPOUNDING PHARMACY, INC.)	MDL No. 2419
PRODUCTS LIABILITY LITIGATION)	
)	Dkt. No. 1:13-md-2419-RWZ
<hr/>		
)		
)		
This Document Relates to:)	
)	
ALL PENDING ACTIONS)	
)	
)	

**[PROPOSED] ORDER REQUIRING IDENTIFICATION OF CASES
NEEDING TO BE DISMISSED**

WHEREAS, on February 12, 2013, the Judicial Panel on Multidistrict Litigation centralized all cases involving personal injuries related to the multistate outbreak of meningitis and other infections stemming from contaminated pharmaceuticals made by New England Compounding Pharmacy. *In re New England Compounding Pharmacy, Inc., Prod. Liab. Litig.*, 924 F. Supp. 2d 1380 (J.P.M.L. 2013) (the “Transfer Order”);

WHEREAS, after the Transfer Order hundreds of cases were consolidated into the present MDL from around the country;

WHEREAS, many of the defendants named in these actions have settled either through the Third Amended Joint Chapter 11 Plan of New England Compounding Inc., confirmed by the United States Bankruptcy Court for the District of Massachusetts on May 20, 2015 (the “Plan”) or through separate settlements reached in this MDL;

WHEREAS, the Court has remanded 66 cases back to their original jurisdiction under 28 U.S.C. § 1407 (Dkt. No. 3076);

WHEREAS, certain plaintiffs filed voluntary dismissals of actions pending in the District of Massachusetts (Dkt. No. 3494);

WHEREAS, the parties involved in cases naming the Saint Thomas Outpatient Neurological Center have separately petitioned for dismissal of those cases (Dkt. No. 3502);

WHEREAS, the parties involved in cases naming the Specialty Surgery Center have entered into a settlement agreement that shall govern dismissal of those claims (Dkt. No. 3492);

WHEREAS, the Court believes the time has come to administratively close the cases that remain open in the District of Massachusetts, but are no longer active;

IT IS HEREBY ORDERED:

1. Within thirty (30) days of the date of this order, counsel for the following defendants shall file a list of cases naming those defendants that appear active or open in the Court's CM/ECF system and that such defendants believe should be administratively closed:
 - a. Box Hill Surgery Center, LLC
 - b. Premier Orthopaedic Associates Surgical Center, LLC
 - c. Carilion Surgery Center New River Valley LLC, d/b/a New River Valley Surgery Center, LLC
 - d. Medical Advanced Pain Specialists, PA
 - e. BKC PAIN SPECIALISTS, LLC
 - f. PCA Pain Care Specialists
 - g. Advanced Pain & Anesthesia Consultants, PC
 - h. Cincinnati Pain Management Consultants, Inc.

- i. Michigan Pain Specialists
- j. Neuromuscular & Rehabilitation
- k. Ocean State Pain Management
- l. Ambulatory Care Center, LLC
- m. Brookwood Medical Center
- n. Dallas Back Pain Management & Harris Methodist Southlake Center
- o. Encino Outpatient Surgery Center
- p. Genesys Hospital
- q. Hahnemann University Hospital
- r. High Point Regional Health
- s. Marion Pain Management Center, Inc.
- t. Nazareth Hospital
- u. Dr. O'Connell's Pain Care Centers, Inc.

2. The Plaintiffs' Steering Committee (the "PSC") and plaintiffs' counsel shall have 15 days from the filing of such list to identify cases that it believes should remain open.

3. Thereafter, the Court shall issue dismissals and judgements in cases identified by defendants for which the PSC and/or plaintiffs' counsel has not filed an objection.

4. The PSC shall serve a copy of this order, by email, on counsel of record for each defendant listed above.

5. To the extent that actions against the entities listed above name additional defendants, the defendants list above shall provide notice of the Court's order, by email, to those other defendants.

6. Notwithstanding the above, defendants involved in cases naming Saint Thomas Outpatient Neurosurgical Center or Specialty Surgery Center, PLLC are excused from the above obligations and the Court will address dismissal of those cases consistent with the settlement agreements reached in those matters.

SO ORDERED.

Date: _____

Judge Rya Zobel

CERTIFICATE OF SERVICE

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: February 19, 2018

/s/ Benjamin A. Gastel

Benjamin A. Gastel